

1 GEOFFREY A. HANSEN  
Acting Federal Public Defender  
2 JOHN PAUL REICHMUTH  
Assistant Federal Public Defender  
3 555 - 12th Street  
Suite 650  
4 Oakland, CA 94607-3627  
Telephone: (510) 637-3500  
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6 Counsel for Defendant SMITH  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

|                              |   |                                      |
|------------------------------|---|--------------------------------------|
| 11 UNITED STATES OF AMERICA, | ) | No. CR 02-40123-CW                   |
|                              | ) | CR 12-0100-CW                        |
| 12 Plaintiff,                | ) |                                      |
|                              | ) |                                      |
| 13 vs.                       | ) | STIPULATION TO CONTINUE;             |
|                              | ) | <del>PROPOSED</del> ORDER CONTINUING |
| 14 LEON SMITH,               | ) | CASE AND EXCLUDING TIME UNDER        |
|                              | ) | THE SPEEDY TRIAL ACT                 |
| 15 Defendant.                | ) |                                      |
|                              | ) |                                      |
| 16                           |   |                                      |

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the  
18 INITIAL APPEARANCE ON REVOCATION/MOTIONS SETTING ON NEW  
19 INDICTMENT date of March 20, 2012 presently scheduled at 2:00 p.m., before the  
20 Honorable Claudia Wilken, be vacated and re-set for April 10, 2012 at 2:00 p.m. for INITIAL  
21 APPEARANCE ON REVOCATION/MOTIONS SETTING ON NEW INDICTMENT.

22 The reason for this request is that defense counsel needs additional time to review  
23 discovery, investigate, and discuss this case with Mr. Smith. The case carries significant  
24 potential penalties and requires factual investigation.

25 The parties agree and stipulate that the time until April 10, 2012 should be excluded,  
26 under 18 U.S.C. §3161(h)(7)(A) because the ends of justice served by the granting of the

continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts.

|      |          |   |
|------|----------|---|
| Date | 03/19/12 | <u>/s/</u><br>John Paul Reichmuth<br>Assistant Federal Public Defender<br>Counsel for defendant SMITH |
|------|----------|---|

Date 03/19/12 /s/ Wade Rhyne  
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document. /S/ John Paul Reichmuth

/S/ John Paul Reichmuth  
Counsel for Defendant Smith

ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter be continued to April 10, 2012 at 2:00 p.m., and that time be excluded from the date of this order to April 10, 2012 pursuant to 18 U.S.C. §§3161(h)(7)(A).

IT IS SO ORDERED.

3/19/2012

Date

  
HON. CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE